

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Clean Water Act of 1977 (PL 95-217) and Hawaii Revised Statutes (HRS), Chapter 342D.

SCOPE OF THE CONSTRUCTION ACTIVITY AND LOCATION OF THE PROJECT

Mr. James Monk is proposing to construct a dwelling and coffee planting terraces. Approximately 1.5 acres of land will be graded for the dwelling/access. Approximately four (4) acres of land will be graded for agricultural activities. The project is adjacent to Mamalahoa Highway between 98 and 99 mile markers. The TMK No. is (3) 8-7-003:007.

RECEIVING WATER CLASSIFICATION

The discharge point is classified by the DOH as Class AA, Marine Waters. The objective of Class AA waters is for these waters to remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions. To the extent practicable, the wilderness character of these areas shall be protected.

OCEAN DISCHARGE CRITERIA

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The EPA has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125 , Subpart M. Therefore, the Director has determined that the discharge will not cause degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

DESCRIPTION OF THE PROPOSED DISCHARGE

The Construction Best Management Practices (BMPs) Plan indicates storm water runoff will be controlled with use of silt fences and sediment traps to prevent sediment from running off-site. Silt fences, vegetative buffer strips, or equivalent sediment controls will be utilized at all down slope boundaries and for side slope boundaries deemed appropriate. Vehicles are to be washed when leaving the construction site to remove excess mud/dirt/dust. The Site-Specific BMPs Plan will be submitted 30 days prior to the start of construction activities.

The Site-Specific Construction Best Management Practices (BMPs) Plan shall be designed, operated, implemented, and maintained to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality criteria as specified in Hawaii Administrative Rules (HAR), Chapter 11-54, Section 11-54-4.

PERMIT CONDITIONS

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the HRS. The Director has determined that the discharge will not cause degradation to the receiving water environment when the Permittee complies with the conditions of the permit. Therefore, based on current information, the Director proposes to issue a permit.

PROPOSED DETERMINATIONS

1. The General Requirements as stated in Part A of the permit are necessary in preventing pollutants to be discharged with the storm water to the receiving State waters, in addition to the general BMPs provisions proposed in the application.
2. The Reporting Requirements as stated in Part B of the permit are to inform the Permittee of submittal and reporting requirements for compliance with the permit conditions. The Permittee shall submit the following to the CWB, unless otherwise noted:
 - a. Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management
 - b. General Contractor Information (CWB-Individual NPDES Form C: Section 3)
 - c. A copy of the county-approved grading permit (CWB-Individual NPDES Form C: Section 13.b.v).
 - d. Updated construction schedule (CWB-Individual NPDES Form C: Section 13.b.vi.)
 - e. Site-Specific Construction BMPs Plan (CWB-Individual NPDES Form C: Section 13.c.)
 - f. Notice of Cessation Form (CWB-NOC Form)
3. The BMPs as stated in Part C of the permit are to emphasize pollution prevention measures that are applicable to the construction activities. The application cited the Special Conditions for Land Disturbances from HAR, Chapter 11-55, Appendix C, Section 11.